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August 25, 2023

**Via ECF**

Hon. Vernon S. Broderick, USDJ  
USDC, SOUTHERN DISTRICT OF NEW YORK  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**APPLICATION GRANTED**

**SO ORDERED** 

**VERNON S. BRODERICK**

**U.S.D.J. 08/28/2023**

Extension is granted until September 18, 2023.

**Re: *Louis Reed, Jr. v. Pfizer Inc.***

**USDC, Southern District of New York, No. 1:22-cv-8578 (VSB)**

**SECOND JOINT REQUEST TO EXTEND DEADLINE TO PROVIDE RESPONSE  
TO ORDER AND NOTICE OF INITIAL CONFERENCE (DKT. 37)**

Dear Judge Broderick:

My office represents Pfizer Inc. ("Pfizer") in the above-captioned matter. I am writing jointly on behalf of Pfizer and Plaintiff Louis Reed, Jr., who is proceeding *pro se*, to request a further extension on the existing deadline of August 28, 2023, for the parties' response to the Order and Notice of Initial Conference, Dkt. 37. The parties submit that, due to Mr. Reed's ongoing health challenges, additional time is needed to finalize the joint discovery report.

By way of background, this is a product-liability action. Plaintiff alleges that his use of an FDA-approved prescription drug, atorvastatin (also known by its brand name, Lipitor), caused him to develop myopathy. Pfizer has moved to dismiss Plaintiff's First Amended Complaint, Dkt. 5, for failure to state a claim upon which relief can be granted. The motion is fully briefed. No case management deadlines are in place, and a trial date has not been set.

On August 3, 2023, the Court issued an Order and Notice of Initial Conference, Dkt. 37, pursuant to which the parties were required to submit a joint report by August 18, 2023. In advance of the original deadline, the parties were working cooperatively and had exchanged an initial draft of the joint report. On August 17, however, I was informed by Mr. Reed that he had been hospitalized after experiencing a fall and suffering a back injury. The parties therefore requested, *see* Dkt. 38, and the Court allowed, *see* Dkt. 39, an extension until August 28 for the joint report.

I reached out to Mr. Reed on August 18—the same day the initial extension was granted—to provide a copy of the order and to ask that he circulate his revisions to the joint report at his earliest opportunity. Having not heard back, I followed up with Mr. Reed yesterday via email, reminding him of the August 28 deadline and seeking his input on the draft materials.

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Early this morning (shortly after midnight on August 25), Mr. Reed sent a response, stating that he is undergoing “major cervical neck surgery” today and requesting Pfizer’s assistance in securing a further extension on the existing deadline for the parties’ joint discovery report. Mr. Reed and I subsequently spoke by phone, and he informs me that he is uncertain how long he will be hospitalized following today’s surgery but that, at this time, he believes an additional 21 days should be sufficient to finalize the parties’ response to the Order and Notice of Initial Conference.

Pfizer, of course, has no objection to a further extension of the existing deadline under these circumstances. The parties therefore respectfully request that the Court enter an order extending by 21 days the current deadline for the filing of their joint report. If this request is granted, the new deadline would be September 18, 2023. The parties submit that, in light of Mr. Reed’s reported health challenges as well as his *pro se* status, there is good cause for this relief. Moreover, this extension will not cause undue delay or otherwise impact the progress of this case, which remains in its infancy.

On behalf of Mr. Reed, we thank Your Honor for your consideration of this request. I would welcome any questions from the Court.

Respectfully submitted,

/s/ Jason M. Reefer

Jason M. Reefer (*pro hac vice*)

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*Counsel for Defendant Pfizer Inc.*

c: Mr. Louis Reed, Jr. (via email and U.S. Mail)